IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8174 OF 2004

The Manager,
Central Printing Press.
& Another .. Petitioners

vs.

Govind S. Perke .. Respondent

Mr. S.K.Chincholikar, Advocate for the Petitioner.

CORAM : F.I.REBELLO &
S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

P.C. :

1. Service of the respondent came to be terminated on the ground that he had not produced the tribe certificate within 15 days of the time of his appointment. The respondent was appointed in the special drive for filling the vacancies belonging to the Schedule Tribe. The certificate was submitted on 16.3.2003. Order of termination

came to be issued on 25.6.2003. The appointment was purely temporary. In the meantime regular candidate selected by the M.P.S.C. were selected. The respondent filed application challenging the said termination being O.a.No.569 of 2003. By order dated 31.10.2003 the original application was partly allowed in which the petitioners herein were directed to sent the documents received from the respondent to the scrutiny committee within a period of 15 days and on receiving the said Caste Certificate the Respondent be given appointment on temporary basis on the same terms as contended in the appointment order dated 3.4.2003 within a period of one month. It is this order which is subject matter of the present petition.

2. We have heard the learned Counsel. It is contended that apart from failure to produce the Tribe Certificate, the respondent is also not selected by the Committee duly Constituted. In so far as the ground for non production, we find that in fact certificate was produced on 16.3.2003. The only ground given therefore for terminating was not subsisting as there had been substantial

compliance by respondent in so far as producing the Tribe Certificate. The other ground given that the Committee was not properly constituted was not the ground for termination. Even otherwise, the appointments were after oral interview and in special drive. The appointments are purely temporary and confer no right on the respondent to be regularised in the service. The appointments are to be made till the regular candidates who are selected through M.P.S.C. join.

3. Considering the above, we do not find that the order of the Tribunal suffers from any error or law or is without jurisdiction. In the light of that no interference is required. Petition is rejected.

(F.I.Rebello, J.)

(S.P.Kukday, J.)